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Victor J. Wasylyna
Reg. No. 52,345

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant : Wolf et al.
Serial No. : 10/606,192
Filed : June 25, 2003
Title : BRAIDED GOLD SUTURE AND METHOD OF USE
Docket : 633032-00002
Examiner : Amanda S. Adams
Art Unit : 3731

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Sir:

PETITION FOR EXTENSION OF TIME

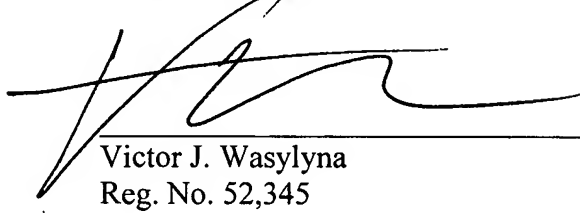
Applicant hereby petitions the Office pursuant to 37 C.F.R. § 1.136 for a two-month extension of time to respond to the final Office action mailed on September 28, 2006. A check is enclosed to satisfy the \$225.00 fee. See 37 C.F.R. § 1.17(a).

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U.S. Ser. No. 10/606,192
Docket No. 633032-00002
Petition for Extension of Time

Accompanying this petition is request for continued examination in response to the outstanding final Office action and the advisory action mailed on January 4, 2007.

Respectfully submitted,



Victor J. Wasylyna
Reg. No. 52,345

THOMPSON HINE LLP
Post Office Box 8801
Dayton, Ohio 45401-8801
Phone: (937) 443-6812
E-mail: IPGroup@ThompsonHine.com

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Docket No. 633032-00002
Request for Continued Examination

Rather, the Grafton and Adamyan et al. references teach two distinct uses for their respective disclosures and, therefore, cannot offer the necessary suggestion or motivation. In particular, the Grafton reference discloses a traditional suture, while the Adamyan et al. reference discloses implanting gold threads and bioabsorbable threads in a subdermal space to rejuvenate skin. A person skilled in the art would not use Grafton's suture when performing Adamyan et al.'s rejuvenating procedure, nor would a person skilled in the art use Adamyan et al.'s loose (i.e., not braided and, therefore, low strength) gold and bioabsorbable threads in place of Grafton's high strength braided sutures.

Inasmuch as the Office has failed to present evidence suggesting or motivating a person skilled in the art to make the proposed combination of the Grafton and Adamyan et al. references, it is submitted that the Office has failed to establish a *prima facie* case of obviousness.

Furthermore, the Office has failed to provide evidence of a reasonable expectation of success when making the proposed combination of the Grafton and Adamyan et al. references. In particular, it is submitted that a person skilled in the art would be discouraged from braiding bioabsorbable thread together with gold thread (i.e., a non-bioabsorbable thread). Indeed, such a combination would be counterintuitive to a person skilled in the art.

It is further submitted that, absent the hindsight gleaned from the disclosure of the present application, a person skilled in the art would not appreciate the unexpected advantages provided by a braided structure formed by braiding bioabsorbable thread together with gold thread, including the substantial increase in total gold surface area per overall length and diameter of the structure, and the irregular implanted shape achieved by the claimed braided structure, resulting in improved bonding strength, while stimulating collagen formation that contributes to healthy scar tissue formations.

The unexpected advantages of the claimed braided structure of the present application are described in greater detail in the declaration of Dr. Wolf, submitted herewith pursuant to 37 C.F.R. § 1.132.

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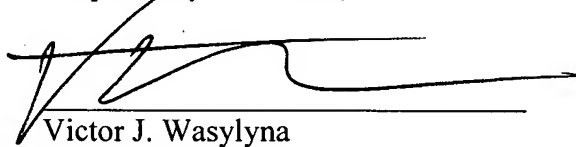
In view of the rebuttal of the Office's *prima facie* case of obvious set forth above, as further supported by the evidence of unexpected results set forth in the Declaration of Dr. Wolf, it is submitted that claims 1-10 are not obvious over the combination of the Grafton and Adamyan et al. references. Withdrawal of the rejections of claims 1-10 is respectfully requested.

Claim 11-16 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Grafton and Adamyan et al. references "for the same reasons as given" for claims 1-10." (Advisory Action, p.2). Therefore, for the reasons expressed above with respect to claims 1-10, the rejections of claims 11-16 are respectfully traversed.

Accordingly, it is submitted that the application is in condition for allowance and formal notice thereof is respectfully requested.

The Commissioner is hereby authorized to charge any fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Victor J. Wasylyna", is written over a horizontal line.

Victor J. Wasylyna
Reg. No. 52,345

THOMPSON HINE LLP
Post Office Box 8801
Dayton, Ohio 45401-8801
Phone: (937) 443-6812
E-mail: IPGroup@ThompsonHine.com

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